IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTIETH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE SRI JUSTICE N.V. RAMANA

WRIT PETITION NO.22283 of 2004

Between:

E. Venkataswamy S/o.Narayana
Door.No9-121, Kothapeta, Dhone,
Kurnool Dist.

..... PETITIONER

AND

1 The Dist Collector
Kurnool District.
2 The Mandal Revenue Officer
Dhone, Kurnool District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue a writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the Respondents herein in trying to dispossess the petitioner from the land in Sy.No.379/3 extent Acrs.3.70 cents of Dhone Village, Kurnool Dist without caring the suit pending before the Junior Civil judge, Dhone, as illegal, improper, arbitrary, and against law besides being violative of Art.14,19 and 21 of Constitution of India.

Counsel for the Petitioner: MR.R.RAMANJANEYULU

Counsel for the Respondents: GP FOR REVENUE

The Court, at the stage of admission, made the following:

ORDER:

This writ petition is filed seeking a Writ of Mandamus to declare the action of respondents in trying to dispossess the petitioner from the land admeasuring an extent of Ac.3.70 cents situated in Survey No.379/3 of Dhone village, Kurnool District while the suit filed by him is pending before the Junior Civil Judge, Dhone, as illegal and arbitrary.

The petitioner claims to be owner and possessor of land in question under D Form patta granted in the year 1967. It is stated that the 2nd respondent-Mandal Revenue Officer issued a show cause notice to the petitioner asking him to file objections as to why his land should not be resumed to the Government for issuing house site pattas to Nayee Brahman Sangham people, for which, the petitioner has filed his objections. It is stated that the 2nd respondent-Mandal Revenue Officer, without considering his objections, passed an order resuming an extent of Ac.3.16 cents out of Ac.3.70 cents. Aggrieved by the same, he filed O.S. No.1 of 1997 on the file of Junior Civil Judge, Dhone seeking permanent injunction to restrain the respondents herein from allotting his land to the said Nayee Brahman Sangam and the same is pending. The grievance of the petitioner is that pending suit proceedings, the respondents are trying to dispossess him from the land in question, which is illegal and arbitrary. Hence, the writ petition.

Heard the learned counsel for petitioner and learned Government Pleader for Revenue for the respondents, and both of them agreed for disposal of the writ petition at the admission stage.

The learned Government Pleader for Revenue appearing on behalf of the respondents, on instructions submitted that as against the order of the Mandal Revenue Officer, a remedy of appeal is provided to the Revenue Divisional Officer/Joint Collector, and the petitioner without availing the said remedy, has

chosen to file a civil suit in O.S. No.1/97 on the file of District Munsif Court, Dhone, and the said suit was also dismissed vide order dated 22-4-1997, and pursuant to said order, an enquiry was conducted by the Joint Collector and orders dated 25-3-2004 were passed resuming the land of the petitioner.

Inasmuch as it is submitted that the suit filed by the petitioner was dismissed, no exception can be taken to the action of the respondents in seeking to dispossess the petitioner from the land in question, and more so when it is stated that the impugned order dated 25-3-2004 and the consequential action was preceded by an enquiry by the Joint Collector, and if the petitioner so chooses, may avail the remedy available to him under the statute against the impugned order before the appropriate authority.

There is no merit in the writ petition and the same is accordingly dismissed. No costs.

_____

(N.V. RAMANA, J)

Date: 20.12.2004

Nsr/Tvk

To

1 The Dist Collector
Kurnool Dist
2 The Mandal Revenue Officer
Dhone, Kurnool Dist.

3. Two CCs to GP for Revenue, High Court of AP, Hyderabad (OUT)

4. Two CD copies.